



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

COUNCIL MEETING DATE: **July 21, 2015**

RE: **Analysis Report**

Unaudited Fund Balances as of 7/15/15:

4% Reserve Fund	\$40,539,557*
Metro Self Insured Liability Claims	\$3,213,705
Judgments & Losses	\$2,492,514
Schools Self Insured Liability Claims	\$2,402,509
Self-Insured Property Loss Aggregate	\$6,836,442
Employee Blanket Bond Claims	\$667,149
Police Professional Liability Claims	\$2,684,911
Death Benefit	\$980,529

*Assumes unrealized estimated revenues in fiscal year 2016 of \$27,585,998.

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2015-1571 (TENPENNY) – This resolution approves an exemption for Smokies BBQ located at 202 Thompson Lane, Suite 212, from the minimum distance requirements for obtaining a beer permit. The Metro code prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, the code provides a mechanism to exempt restaurants that already have a state on-premises liquor consumption license from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. A public hearing must be held by the council prior to voting on this resolution.

– BILLS ON PUBLIC HEARING AND SECOND READING –

ORDINANCE NO. BL2015-1153 (HUNT & A. DAVIS) – This ordinance amends the Metro zoning code to provide for additional alternative zoning districts and modify the alternative zoning district standards. In May 2011, the council enacted Ordinance No. BL2011-898 to create the alternative zoning districts, which are applicable in the higher intensity residential and mixed-use districts. The purpose of the alternative zoning districts is to facilitate a more pedestrian-friendly environment without requiring a specific plan, largely through setbacks and height.

This ordinance expands the alternative zoning district concept to include more of the suburban areas modeled after the Murfreesboro Road urban design overlay standards. This ordinance creates the new alternative zoning category for the commercial neighborhood, commercial limited, and commercial services districts. The standards applicable to new alternative zoning districts would allow two rows of parking in front of the buildings and require a certain percentage of the lot frontage to be occupied by building frontage. This ordinance also updates the existing alternative district standards to require additional building frontage. Alley access and construction, parking garage liners, glazing requirements, raised foundations for residential structures and sidewalks would be required.

This ordinance also creates a number of alternative small lot single and two-family alternative districts. The two-family standards for the alternative districts would require access only to an alley when an alley exists. Where no improved alley exists, one driveway within the street setback may be permitted. Further, garage doors would be required to face the side or rear property lines. A minimum raised foundation of 18 to 36 inches would also be required.

This ordinance has been approved by the planning commission with a proposed amendment that would allow for the maximum height in the build-to zone to be exceeded upon approval of a special exception by the board of zoning appeals.

ORDINANCE NO. BL2015-1210 (MATTHEWS, GARRETT & OTHERS) – This ordinance amends the Metro zoning code to create “natural gas compressor station” as a new use to be permitted in the industrial zoning districts. Gas compressor stations are facilities located along gas pipelines that ensure the natural gas flowing through the pipeline remains pressurized. These facilities are typically placed along the pipeline in 40 to 100 mile intervals. The only use related to natural gas currently in the zoning code is “power/gas substation”, which regulates electric current or natural gas pressure for distribution to individual neighborhoods. Power/gas substations are permitted with conditions in the agricultural, residential, and office zoning districts, and permitted by right in the commercial, shopping center, and industrial zoning districts.

This ordinance creates the following new definition for natural gas compressor station, which use would only be permitted in the industrial zoning districts (IWD, IG, and IR):

A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Federal law prohibits local governments from regulating natural gas facilities through zoning if the facility is for a gas pipeline running across state lines. Under the federal Natural Gas Act, such facilities must obtain a certificate of convenience and necessity from the Federal Energy Regulatory Commission (FERC) before they can operate. Federal courts have ruled that the Natural Gas Act preempts all local laws that attempt to regulate the location, construction, or operation of interstate natural gas pipelines and their associated facilities. Thus, if a proposed facility in Davidson County obtains a certificate of convenience and necessity from the FERC, a court would almost certainly rule that this ordinance could not be used to stop the construction of the facility.

In deciding whether to grant a certificate of convenience and necessity, FERC does look at the possible adverse environmental impacts the facility could have on the surrounding area. Further, in implementing certain environmental regulations on behalf of the federal government, the state will take the land uses near the proposed site into consideration when determining whether any safety issues exist that should impact FERC’s decision regarding the issuance of a certificate of convenience and necessity.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2015-1273 & BL2015-1274 – These two ordinances approve the Bordeaux redevelopment plan and the Cayce Place redevelopment plan to be administered by the Metropolitan Development and Housing Agency (MDHA). Redevelopment plans may be approved by the council under state law for the purpose of redeveloping blighted areas. There are currently 10 redevelopment districts in Nashville. The plans govern the future redevelopment of property within the areas through restrictions on permissible uses and design (continued on next page)

ORDINANCE NOS. BL2015-1273 & BL2015-1274, continued

guidelines for the construction or rehabilitation of buildings. The plans also allow for the acquisition and/or demolition of blighted structures and the use of tax increment financing (TIF) as an incentive for developers. TIF is a financing mechanism authorized by state law for redevelopment districts whereby the increased property tax revenue generated by a development is used to pay the debt service on loans for the construction of improvements related to the project. The ordinances provide that the use of TIF will spur new development and assist in replacing and updating aging infrastructure, as well as sidewalk and streetscape improvements, the preservation of historic structures, and remediation of environmental issues. Any property owner wishing to construct a new building or rehabilitate an existing structure would be required to submit a site plan, landscape plan, and a detailed architectural design of the exterior of the structures to MDHA for review by a design review committee. Further, no demolition permit could be issued prior to approval of a plan for re-use by MDHA. Improvements must also be consistent with the Metro zoning code. The terms of these plans will extend through December 31, 2045.

Ordinance No. BL2015-1273 (Matthews & Westerholm) approves the Bordeaux redevelopment plan. The Bordeaux redevelopment area covers 525.5 acres of property owned by the Metropolitan Government adjacent to the Bordeaux Hills neighborhood. The property includes the hospital authority's Bordeaux Hospital facility. The objectives set forth in the plan are as follows:

- To create new housing options that attract new residents to the Bordeaux area;
- To build new multi-family housing that complements the character and style of the existing single-family neighborhood of Bordeaux Hills while allowing for higher density developments;
- To increase the population to a level that can sustain potentially new commercial or retail development in the area;
- To prevent additional undesirable land uses from occurring in the Bordeaux area;
- To clear and provide for new development of portions of the area in which a change in type or intensity of land use is necessary;
- To establish harmonious land use patterns and provide adequate sites for the planning and development of new residential areas or commercial uses;
- To establish standards and guidelines for the redevelopment and continued use of the area that will ensure the future stability of the entire area through quality development;
- To eliminate and prevent the recurrence of blight;
- To eliminate vacant land by monitoring development and actions encouraging effective and desirable uses of land in accordance with the plan;
- To provide for the layout of new public improvements necessary to support the redevelopment of the area; and
- To minimize the potential effects of future natural disasters and to mitigate flood impacts.

The plan provides for a mixed-use area and a public facilities/open space area. The intent of the mixed use area is to "provide for facilities, businesses, services, and residences characteristic of a low-medium density area along a major arterial road to support the contiguous, single-family neighborhoods and for services catering to a mid-size market." The plan prohibits certain commercial uses such as automobile repair, car washes, check cashing/cash advance (continued on next page)

ORDINANCE NOS. BL2015-1273 & BL2015-1274, continued

businesses, pawn shops, nightclubs, liquor stores, adult entertainment establishments, warehousing, and industrial uses. MDHA would be required to provide relocation assistance to any individuals or businesses displaced as a result of the implementation of the plan.

MDHA estimates a future \$150 million increase in property values as a result of implementation of this plan. The plan authorizes up to \$15 million in TIF to incentivize the private development contemplated in the plan. In addition, \$3 million in federal funds would be available for this purpose. According to the plan document, the TIF backed debt of \$15 million will require less than 50% of the projected new property taxes generated by the project. The final maturity of the TIF loans cannot extend beyond December 31, 2045.

This ordinance has been approved by the planning commission.

Ordinance No. BL2015-1274 (Westerholm) approves the Cayce Place redevelopment plan. The James Cayce Place Homes is a 63 acre, 716 unit, public housing development owned and operated by MDHA. This redevelopment plan will include the Cayce Place Homes along with 63 additional acres for a total of 126 acres bordered by I-24, Crutcher Street, the Shelby Hills neighborhood, and Shelby Avenue. The objectives for the redevelopment plan are as follows:

- a. Accomplish a one-for-one replacement of all units on site and minimize disruption to residents during construction;
- b. Maintain economic and cultural diversity of East Nashville;
- c. Create a healthy mix of housing choices for many income levels;
- d. Create a green, sustainable, and financially viable development;
- e. Connect with and leverage other local initiatives and stakeholders;
- f. Maintain and expand support services and community assets;
- g. Improve neighborhood amenities by:
 - Promoting walking and use of public spaces;
 - Improving transportation access;
 - Improving public safety;
 - Creating a high quality aesthetic appeal;
 - Retaining, but improving, park and open space
- h. Address need for access to healthy foods; and
- i. Reconnect and integrate Cayce Place into the community and leverage nearby opportunities.

Permitted uses within the plan include single and multi-family dwellings, churches, schools, daycares, offices, pharmacies, service retail establishments, restaurants, farmers' market, cultural facilities, public facilities, and parks. The plan prohibits certain commercial uses such as car washes, check cashing/cash advance businesses, pawn shops, nightclubs, liquor stores, adult entertainment establishments, warehousing, and manufacturing. MDHA would be required to provide relocation assistance to any individuals or businesses displaced as a result of the implementation of the plan. However, MDHA does not plan to displace any resident from the property. The construction will be done in a manner so as to allow residents of each building being replaced to move to another building on the campus while construction on the new building is underway.

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ORDINANCE NOS. BL2015-1273 & BL2015-1274, continued

The Envision Cayce Master Plan contemplates a \$602 million development on the property. In order to attract the planned retail/mixed-use component for the development, this redevelopment plan authorizes up to \$30 million in TIF to support the commercial uses outlined in the master plan. According to the plan document, the TIF backed debt of \$30 million will require less than 50% of the projected new property taxes generated by the project. The final maturity of the TIF loans cannot extend beyond December 31, 2045.

This ordinance has been approved by the planning commission.

– RESOLUTIONS –

RESOLUTION NO. RS2015-1572 (PRIDEMORE) – This resolution appropriates \$1,860,000 from the undesignated fund balance to address some items that were not funded in the fiscal year 2016 operating budget approved last month. It is very rare to have a supplemental appropriation resolution filed this early in the term. However, a couple of issues came to light after the budget was approved that should have been addressed in the budget.

The largest appropriation in this resolution is \$1,200,000 for pay plan improvements. As the council will recall, the pay plan approved in June provided a compression adjustment for approximately 700 public safety employees who missed increments during the three years increments were frozen as a result of the economic downturn. However, the cost of the compression adjustment inadvertently did not get factored into the pay plan budget amount when the budget was prepared. This appropriation will ensure these public safety employees get the promised compression adjustment.

This resolution also includes \$375,000 as an additional subsidy for the *Nashville* television show. The council previously approved a \$500,000 grant for Season 2 of the show in September 2013, and a \$1,000,000 grant for Season 3 in September 2014. The fiscal year 2016 budget included \$500,000 for the show, which will result in a total subsidy from Metro over the three years of \$2,375,000. Resolution No. RS2015-1574 appropriates the \$875,000 for fiscal year 2016 via an economic development incentive grant agreement.

This resolution appropriates an additional \$145,000 to the Metro transit authority to cover the increased costs resulting from the expansion of the youth “StrIDe” program, which allows all middle and high school students to ride MTA buses for free.

Finally, this resolution appropriates \$140,000 to the codes department to hire additional staff to address the increased permitting workload. Additional permit fees generated by the codes department should offset this amount.

Appropriating this amount from the undesignated fund balance of the general fund will bring the estimated fund balance percentage down from 6.1% to 5.8%.

RESOLUTION NO. RS2015-1573 (PRIDEMORE) – This resolution appropriates a total of \$2,150,000 to 30 nonprofit organizations selected to receive funding through the community enhancement grants. The fiscal year 2015-2016 operating budget for the Metropolitan Government appropriated \$675,000 for domestic violence programs, \$675,000 for education after school programs, \$450,000 for community service programs, and \$350,000 for literacy programs. This is the seventh consecutive year in which nonprofit organizations are funded through a competitive process as opposed to simply being named in the budget ordinance with little or no documentation as to how the funds are to be spent.

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RESOLUTION NO. RS2015-1573, continued

The review panels considered and scored the applications received, and have recommended that the following agencies receive funding:

From the \$675,000 for domestic violence programs:

- \$178,200 to Legal Aid Society of Middle Tennessee and the Cumberland for legal services and court advocacy
- \$81,900 to Morning Star Sanctuary, Inc. for shelter/support services, counseling and legal assistance
- \$300,000 to Nashville Young Women's Christian Association (YWCA) for shelter and support services
- \$68,500 to Tennessee Coalition to End Domestic and Sexual Violence for legal advocacy and representation for immigrants
- \$46,400 to The Mary Parrish Center for extended shelter/transitional housing, advocacy and counseling

From the \$675,000 for education and after school programs:

- \$78,500 to Boys & Girls Club of Middle Tennessee for afterschool and summer enrichment tutorial assistance
- \$29,900 to Center for Refugees and Immigrants of Tennessee for afterschool tutoring in math, language arts and ESL for refugee and immigrant students
- \$45,700 to Hearing Bridges for afterschool and/or summer enrichment tutorial assistance for hearing impaired students
- \$106,200 to Martha O'Bryan Center, Inc. for afterschool enrichment programs
- \$62,200 to Monroe Harding, Inc. for afterschool and summer programs
- \$73,000 to Oasis Center, Inc. for afterschool and summer programs
- \$98,900 to PENCIL Foundation for afterschool and summer programs
- \$21,300 to Preston Taylor Ministries, Inc. for afterschool programs with emphasis on reading
- \$50,000 for Salama Urban Ministries, Inc. for afterschool programs
- \$60,600 Vanderbilt University Medical Center (School of Nursing) for afterschool programs
- \$48,700 to YMCA for before and afterschool programs

From the \$450,000 for miscellaneous community agencies/services:

- \$12,100 to Family and Children's Service for emergency financial support for housing, utilities, food and transportation
- \$51,600 to Fifty Forward (Senior Citizens) for elderly care case management and meal deliveries
- \$32,100 to Ladies of Charity of Nashville, Inc. for emergency rental and utility assistance
- \$113,200 to Nashville CARES for case management in conjunction with housing/financial assistance for persons with HIV/AIDS
- \$61,900 to NeedLink Nashville for emergency financial assistance with rent and utilities
- \$127,000 to Second Harvest Food Bank of Middle Tennessee, Inc. for emergency food box distributions
- \$52,100 to The Arc of Davidson County & Greater Nashville for emergency housing and utility assistance for disabled persons

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RESOLUTION NO. RS2015-1573, continued

From the \$350,000 for literacy programs:

- \$25,500 to Big Brothers Big Sisters of Middle Tennessee for reading/language art skills
- \$33,700 to Conexion Americas for ESL classes to immigrant and refugee adults
- \$56,700 to McNeilly Center for Children, Inc. for reading and literacy program
- \$80,100 to Nashville Adult Literacy Council, Inc. for reading and English skills to US-born and immigrant adults
- \$77,800 to Nashville International Center for Empowerment for adult English proficiency and GED preparation programs
- \$47,300 to St. Luke's Community House, Inc. for school-age reading skills and "intergenerational" literacy.
- \$28,900 to STARS Nashville for educational support to increase fluency in sign language for deaf or hard-of-hearing students.

State law provides that the Metropolitan Government may appropriate funds to qualifying nonprofit organizations either as part of the annual operating budget or by resolution of the council. All such organizations must enter into a contract with the Metropolitan Government outlining how the funds will be expended.

RESOLUTION NO. RS2015-1574 (PRIDEMORE) – This resolution approves an economic development incentive grant agreement in the amount of \$875,000 with Music City Productions, Inc., to incentivize the production of Season 4 of the television show *Nashville* airing on ABC. The resolution states that the production company is estimated to spend more than \$40 million in the Nashville area on labor and on goods and services with more than 400 local vendors during the production of Season 4. This grant is to incentivize the continued production of the show locally because of the promotional value to the city and the contribution to the local economy the show provides.

Music City Productions will be entitled to one-half the amount after executing the contract, but will be required to provide certification to Metro that a majority of the production work for at least 13 episodes of the show airing on ABC was actually performed within the geographical boundaries of the Metropolitan Government of Nashville and Davidson County in order to receive the remaining amount of the grant.

The Nashville Convention and Visitors Corporation (CVC) has agreed to contribute \$340,000 for Season 4. In addition, the Event and Marketing Fund (which is tied to the CVC) has agreed to contribute \$335,000.

RESOLUTION NO. RS2015-1575 (PRIDEMORE & BANKS) – This resolution approves an expanded economic and community development incentive grant to the industrial development board (IDB) for the benefit of HCA. In February 2014, the council approved an economic development incentive package for HCA for the corporate relocation of the three HCA affiliates to a new building being constructed on 10.55 acres located at the intersection of Charlotte Avenue and 11th Avenue North. The three HCA affiliates that will be moving to this new building are Parallon Business Solutions, LLC, Health Trust Purchasing Group, LP, and Sarah Cannon (continued on next page)

RESOLUTION NO. RS2015-1575, continued

Research Institute, LLC. These incentives included a \$1,050,000 urban development action grant (UDAG), a \$3 million annual property tax abatement for up to 20 years, and an annual incentive grant of \$500 per employee for seven years with a total estimated value of \$4.9 million.

HCA plans to relocate and consolidate part of its headquarters and centralized business operations at two sites in Davidson County, in addition to the Charlotte Avenue site. The average salary for the positions that will be relocating to these sites is \$70,000 per year. The first new site consists of 120,000 square feet of space in the Dell office building at which HCA will be relocating 400 existing IT employees and adding 200 new jobs. HCA will be using approximately one-third of the rental space at the facility. Dell (and now the property's new owner) has a 40 year tax abatement on the property approved in 1999, but the abatement only applies for the portion of the building Dell is occupying. This means one-third of the building will come back on the tax rolls, which will generate approximately \$320,000 in property tax revenue for Metro.

The second new HCA site will be the old AIG building located off of Old Hickory Boulevard on the Davidson County side of Brentwood. AIG is building a new office building in the same area to relocate its operations. HCA plans to move 500 employees from its physician services division from Williamson County to the AIG building. Apparently, HCA considered moving this operation out of state, but as a result of some state incentives and this Metro incentive, HCA decided to relocate to Davidson County. It is unlikely that any of the relocated employees currently not living in Davidson County would move to Nashville.

This resolution approves an amended and restated grant agreement to include employees at the two new sites. The 400 IT jobs that are already in Davidson County will not be counted for purposes of calculating the \$500 per job incentive grant. Using the projected new job figure of 700, this would increase the amount of the annual incentive grant for seven years by \$350,000,

for a new estimated annual grant total of \$850,000 for 2017, which will increase to \$1.1 million per year by 2019. The amount of the incentive grant is not capped. Thus, Metro will be paying \$500 per new job for seven years, regardless of the number of jobs added, as long as HCA maintains at least 500 new jobs combined from the three sites.

When factoring in the projected new property tax revenue from the Dell site, this resolution will only result in a \$30,000 per year difference between expenses and revenue.

RESOLUTION NO. RS2015-1576 (PRIDEMORE & BAKER) – This resolution approves an annual grant in the amount of \$450,000 from the state department of mental health and substance abuse services to the state trial courts to provide the Tennessee Certified Recovery Court Program (formerly called the Tennessee Certified Drug Court Program) as an alternative to adjudication or incarceration. The drug court is a diversionary program that provides supervision and treatment for non-violent drug offenders. The grant funds are used primarily to cover the salaries and benefits of drug court employees. The term of the grant is from July 1, 2015 to June 30, 2016.

RESOLUTION NO. RS2015-1577 (PRIDEMORE, BENNETT & OTHERS) – This resolution authorizes the director of public property to exercise options to purchase approximately 537 acres of property in the Antioch area next to Interstate 24 and Old Hickory Boulevard for use as parks open space, and accepts a donation from the Joe C. Davis Foundation in the amount of \$4,070,000 to be applied toward the purchase price. This rather complex property acquisition involves the Davis Foundation, the Conservation Fund, and multiple private property owners. The Davis Foundation and the Conservation Fund have secured options from the property owners to acquire the properties for use as part of the Metro parks and recreation system, and have assigned these options to Metro. The individual property owners include the Aileen M. Williamson and Mary F. Moore charitable trusts, Ole South Properties, Inc., Hunter Burkitt, Jr., Harry Gwin Burkitt, Ammon and Ruth Shreibman, Freeland Realty 3, LLC, and the YMCA. A map attached to this analysis shows the properties to be acquired, however the acquisition of the Wilson and Clark properties shown on the map are still under negotiation so they are not part of this resolution. The total purchase price for these properties is \$14,784,979.

The Davis Foundation has an option to acquire 169 acres from the Moore and Williamson trusts at a cost of \$4,100,000. The term of the option contract extends through October 31, 2015, but may be extended until December 31, 2015. Closing on the property is to take place within 90 days of exercising the option. This acquisition also includes a conservation easement requiring the property to be used in perpetuity as a public park. The conservation easement specifies that the development rights are terminated for the property, and identifies the types of permitted activities and structures on the property, which can include a small amphitheater, up to four athletic fields, up to 10 acres for a community garden, and 15 acres for equestrian uses, in addition to the typical passive park uses.

The Conservation Fund has secured options to acquire approximately 368 total acres with the closings to take place not later than October 30, 2015. The options are from the following owners at the following prices:

<u>Seller</u>	<u>Acreage</u>	<u>Price</u>
Freeland Realty	30.53	\$300,975
Ole South Properties	49	\$1,300,000
Hunter Burkitt, Jr.	48.41	\$1,355,044
Harry Gwin Burkitt	56.58	\$2,491,443
Ammon and Ruth Shreibman	184.42	\$4,950,017
YMCA	23.94	\$287,500

First, this resolution authorizes the execution of the options from the Davis Foundation and the Conservation Fund. Second, the resolution authorizes the reimbursement of the Conservation Fund in the amount of \$400,000 for the preparation of surveys, title work, etc. Finally, the resolution accepts the \$4,070,000 donation from the Davis Foundation to be applied toward the total purchase price of the property. This will result in Metro paying a total of \$10,714,979 to be provided out of the capital funds allocated for open space acquisition. The total fair market appraised value for all of the properties is \$15,855,480.

Since 2007, the council has approved the acquisition of 2,326.92 acres for park open space at a total cost of \$25,373,000. An additional 1,032 acres or land easements has been donated to Metro.

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RESOLUTION NO. RS2015-1577, continued

The Metro code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution.

This resolution has been approved by the planning commission and the parks board.

RESOLUTION NO. RS2015-1578 (PRIDEMORE & BENNETT) – This resolution approves an annual grant in the amount of \$5,300 from the state arts commission to the Metropolitan board of parks and recreation to supplement the Big Band dance program in Centennial Park. This program provides twelve free big band dances to the public. The parks department will use this funding for the purpose of continuing the dance program. There is a required local cash match of \$5,300 to be provided by the parks department.

RESOLUTION NO. RS2015-1579 (GILMORE) – This resolution approves an agreement between the Metro board of health and Best Friends Animal Society to provide fundraising opportunities, adoption events, assistance with networking animals, and grant application opportunities. Best Friends is a nonprofit organization that seeks to improve no-kill programs. Pursuant to this agreement, Metro will become a member of the Best Friends No More Homeless Pets Network. As part of the network, Metro animal services will report monthly intake, adoption, and spay/neuter data. This is no cost to Metro for participating in this network.

RESOLUTION NO. RS2015-1580 (HARMON, PRIDEMORE & A. DAVIS) – This resolution approves a third amendment to an agreement between the Tennessee department of transportation and the Metropolitan department of public works for crosswalks and pedestrian signals at four Harding Place intersections. The original agreement approved in October 2011 provided 80% of the costs to construct approximately 4,800 linear feet of sidewalks and bicycle paths along Harding Place from Nolensville Pike to Tampa Drive at a total cost of \$2,206,250. The agreement was amended in 2012 to increase the amount of the state funding by \$168,300. This resolution approves an amendment to extend the completion date of the project from August 1, 2016 to August 1, 2017.

This amendment (as well as the previous amendment) to the agreement prepared by the state contains a number of misspellings and other typographical errors, but these errors do not impact the effectiveness of the amendment.

RESOLUTION NO. RS2015-1581 (PRIDEMORE, TENPENNY & OTHERS) – This resolution approves an amendment to an intergovernmental agreement between the state department of transportation (TDOT) and the Metropolitan Government for improvements to Murfreesboro Pike from Vultee Boulevard to Jupiter Drive. The original agreement was approved by the council in October 2014. The improvements include drainage correction, removal of the Vultee Boulevard Bridge, and intersection improvements at the Kermit Drive intersection. The total cost of the project is estimated to be \$5,700,000 with the state providing \$1,200,000, the federal government providing \$2,500,000, and Metro contributing \$2,000,000. Metro's share is evenly (continued on next page)

RESOLUTION NO. RS2015-1581, continued

divided between public works capital funds and Metro water services funds. Metro is also responsible for providing all engineering and design plans. TDOT is responsible for awarding the construction contract for the project and provide the construction inspection services. Metro will be responsible for maintaining the new traffic signals once they are installed and for furnishing electricity.

The original agreement did not specify the party responsible for the right-of-way phase of the project. This amendment designates Metro as being responsible for the right-of-way phase. This will result in a \$333,001 increase in the Metro local match.

RESOLUTION NO. RS2015-1582 (PRIDEMORE, A. DAVIS & OTHERS) – This resolution approves a contract between the state department of transportation and the Metropolitan Government for the resurfacing of Gallatin Pike from Eastland Avenue to Hart Lane. The total cost for the resurfacing is estimated to be \$1,137,900 with the state paying 75% of the costs (\$853,425) and Metro paying 25% (\$284,475). This is a typical contract with the state for road resurfacing authorized under the state-aid highway system program.

RESOLUTION NO. RS2015-1583 (GILMORE) – This resolution authorizes Prince Development Germantown to construct and maintain two sky bridges over an alley for properties located at 1300 4th Avenue North and 1305 3rd Avenue North for the PDG Germantown multi-family development. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments, and is required to post a \$2 million certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party. This resolution has been approved by the planning commission.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2013-569 (BEDNE, TENPENNY & OTHERS) – This zoning text change amends the conditions applicable to various automobile related uses. In 2006, the council amended the zoning code to prohibit automotive uses such as automobile repair, service, and used car sales, as well as car washes and wrecker services, from being located in the commercial zoning districts (CS and CA). Car washes were a use permitted with conditions before the 2006 change to SP, while the other uses were permitted by right. The intent of the SP requirement was to give the council more control over the location of automotive-related uses. There were no set conditions included in the code applicable to these uses countywide.

In May 2013, the council enacted Ordinance No. BL2013-418, which basically repealed the SP requirement for automotive uses, added these uses as permitted with conditions, and added a number of specific conditions automotive uses would have to meet in order to obtain a use permit. The conditions for automobile repair; automobile sale, used; and vehicular sales and services, limited are currently as follows:

1. A physical separation between automobile display/parking areas and the right-of-way in the form of a wall or fence not to exceed 3 feet in height.
2. No chain link fencing could be erected within 25 feet of the right-of-way.
3. Service doors facing residential districts must be screened by a solid wall or opaque fence.
4. All buildings, vehicle storage, and repair must take place at least 25 feet from a residential district, and must be screened from residential districts.
5. Inoperable vehicles, outdoor storage, and auto repair activities must be located to the rear or side yard, and cannot be visible from the right-of-way.
6. No billboards or digital signs would be permitted on the property.

The conditions applicable to car washes include:

1. The same physical separation from the right-of-way as noted above.
2. Car wash structures must be at least 50 feet from a residential district.
3. All washing facilities must be within an enclosed structure, and must be separated from the adjacent property by a masonry wall between 6 and 8 feet in height.
4. Operating hours would be restricted to 8:00 a.m. to 10:00 p.m. if the facility is within 100 feet of a residential district.
5. No outdoor speakers would be allowed on the property.
6. No vehicles could be stored or offered for sale.
7. Billboards and digital signs would be prohibited.

This ordinance modifies some of the conditions for automotive uses and adds several new conditions. The primary changes are:

1. Increasing the distance requirement for automotive uses from residential property from 25 feet to 200 feet.
2. Prohibiting more than one car lot or auto repair shop from being located on the same block face.
3. Prohibiting car lots from being located within 1,000 feet of another car lot.
4. Prohibiting car washes from being located within 500 feet of another car wash.
5. Adding a requirement that a community meeting be held prior to submitting a use application to the codes department.

This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2015-1145 (DOWELL & BAKER) – This ordinance, as amended, amends the Metro code to adopt a more recent edition of several standard building and fire codes. Copies of the new editions of the standard codes are on file with the Metropolitan Clerk. Although these codes have been updated, Metro is still operating under the 2006 versions of the codes. Metro is required by state law to keep our codes current within seven years of the latest published edition of the model codes. This ordinance adopts the 2012 edition of the fire, life safety, building, residential, energy, gas/mechanical, and plumbing codes.

The various building and fire codes are adopted at the same time to avoid conflicts between the codes. The new standard codes have been approved by the board of fire and building code appeals, the board of plumbing examiners and appeals, and the board of gas/mechanical examiners and appeals. The codes department has notified the various construction trade associations of Metro's intention to adopt the 2012 codes and has posted the ordinance on the department's website. All of the surrounding cities and counties are already using the 2012 editions of the codes, so it should not pose a challenge to builders and contractors.

Generally, Metro also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. According to the codes department director, this ordinance actually adopts fewer local amendments than in prior years in order for the codes to be more consistent with the model building and fire codes as published by the International Code Council, which means Metro's codes will be more consistent with other cities. The remaining local amendments are basically in keeping with prior code adoptions to make the code consistent with state law and Metro's appeal processes.

ORDINANCE NO. BL2015-1212 (S. DAVIS) – This ordinance amends the Metropolitan Code to prohibit the sale of single container beers by off-sale beer permit holders within 100 feet of a facility that regularly provides food to homeless persons. The Metro code currently provides that certain acts by beer permit holders are prohibited, such as the sale of beer to minors, the sale to intoxicated persons, allowing criminal activity on the premises, and allowing intoxicated persons to loiter on the premises. This ordinance would expand the list of prohibited activities to prohibit retail permit holders from selling single cans or bottles of beer within 100 feet of a facility that provides food to homeless persons more than once per week, unless a special exemption from this prohibition is approved for the retailer by a resolution of the council receiving at least 21 affirmative votes.

ORDINANCE NO. BL2015-1275 (WESTERHOLM, BENNETT & PRIDEMORE) – This ordinance approves a property exchange between the Metro board of parks and recreation and the Metropolitan development and housing agency (MDHA) for the Kirkpatrick Park property. As part of the redevelopment of the Cayce Homes, MDHA plans to build housing units on the land where Kirkpatrick Park is currently located and construct a new park in the center of the development. Once the development has been completed and the new park constructed, the new park property will be deeded to Metro for use as a park.

This ordinance simply approves these two conveyances. This ordinance has been approved by the parks board and the planning commission.

ORDINANCE NO. BL2015-1276 (PRIDEMORE) – This ordinance authorizes the mayor to enter into consortium agreements pursuant to the federal Workforce Innovation and Opportunity Act (“the Act”). This ordinance pertains to the training programs operated by the Nashville career advancement center (NCAC). The NCAC was created in 2001 pursuant to the Workforce Investment Act of 1998. This ordinance essentially updates the Metro code to recognize that the 2014 Act has taken the place of the Workforce Investment Act of 1998. NCAC will still be the local fiscal agent and administrator for the Act for Workforce Innovation and Opportunity Area Nine, which consists of Davidson, Rutherford, Trousdale, and Wilson counties.

This ordinance also approves a consortium agreement among the four counties in accordance with the Act, which supersedes the previous agreements entered under the Workforce Investment Act of 1998. The agreement establishes the required local workforce development board to provide policy guidance and oversight for the job training program. A majority of the board is to represent the private sector. The composition of the board is based upon the pro-rata share by population, which means the Metropolitan government mayor will appoint 62% of the board. The board is to be appointed from among persons nominated by local business organizations and trade associations. The term of the agreement is for one year, which is to renew automatically each year for four additional one year periods.

This ordinance also authorizes the mayor to execute the necessary agreements required under the Act.

ORDINANCE NO. BL2015-1277 (STEINE) – This ordinance amends the Metro Code to establish a review process and policy for the acceptance and maintenance of memorials and artwork donated to the Metropolitan Government. From time to time, private individuals and entities propose to donate memorials, artwork, monuments, property for placement of artwork, and funds for the acquisition of artwork to Metro. There are limited public funds for maintenance and conservation of donated artwork, and a limited number of suitable sites on public property for the placement of donated artwork. Currently, there is no procedure in place for the acceptance of donated artwork to ensure it is suitable and can be maintained.

Since the code already provides that one of the purposes of the arts commission is to make recommendations to the council regarding the aesthetics of public places and property, this ordinance would require all donated memorials and artwork to be submitted to the arts commission for review and recommendation prior to its acceptance. Any artwork valued at more than \$5,000, or with estimated maintenance costs in excess of \$5,000 over a ten year period, will require an acceptance agreement signed by the donor and approved by the council by resolution.

Unless the council has already appropriated funds for the artwork’s installation and maintenance, a donor’s proposal must include funding adequate to cover the costs for the design, fabrication, insurance, transportation, installation, and maintenance of the artwork for a period of ten years, plus contingency funds to cover unforeseen circumstances.

ORDINANCE NO. BL2015-1278 (WESTERHOLM) – This ordinance amends the beer permit requirement provisions in the Metro Code to expand the mechanism for the exemption of establishments from the minimum distance requirements for the sale of beer. The code currently prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, in 2010, the council created a mechanism for restaurants that already have a state on-premises liquor consumption license to be exempt from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. Pursuant to state law, the Tennessee alcoholic beverage commission can take the applicant’s location into consideration when determining whether to grant a license for on-premises consumption, but no set distance requirements are included in the state law.

This ordinance would repeal the existing beer distance waiver provisions in the code and substitute them with a mechanism to exempt any establishment, including retailers, from the Metro beer permit distance requirements upon the adoption of a resolution by the council with twenty-one affirmative votes. A public hearing before the council would be required before the resolution could be considered. Notice of the public hearing must be provided at the expense of the applicant, and the applicant would be required to put up signs on the property providing notice of the public hearing.

ORDINANCE NO. BL2015-1279 (BLALOCK) – This ordinance amends the Metro code pertaining to the exemption for existing on-premises beer permit holders (restaurants and bars) from the distance requirements regarding the sale of beer near school property when a new school locates within 100 feet of the existing establishment. The Metro code prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. The code was amended in May 2014 to provide that an on-premises beer permit holder cannot be denied a permit solely because the footprint of the building was expanded to fall within 100 feet of a school that subsequently located near the establishment. The 2014 ordinance also provided that an on-premises beer permit cannot be denied to a new owner of the business solely because of the distance from a school that received an occupancy permit after the initial beer permit for the establishment was obtained, as long as the new owner applied for the permit within one year after the expiration of the previous owner’s permit.

This ordinance deletes the one year grandfathering period for a new owner to obtain a permit. A permit could be issued to the new owner as long as a beer permit had been issued for a restaurant on the property at any point prior to a school locating within 100 feet of the establishment.

ORDINANCE NO. BL2015-1280 (DUVALL) – This ordinance amends the Metro property standards code to prohibit the excessive accumulation of wood chips/mulch. The Metro code currently prohibits the accumulation of trash and debris on residential property, but does not specifically address the dumping of large amounts of mulch for use as fill material.

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ORDINANCE NO. BL2015-1280, continued

This ordinance would prohibit owners and occupants of property of one-half acre in size or greater from covering more than five percent of the total lot area with wood chips/mulch. Such property owners could continue to use mulch for landscaping purposes as long as they do not exceed the five percent maximum lot coverage. This ordinance exempts commercial establishments engaged in the sale of mulch, as well as Metro property used for the collection and/or sale of mulch.

An identical ordinance was withdrawn at the end of the previous council term.

ORDINANCE NO. BL2015-1281 (PRIDEMORE & WESTERHOLM) – This ordinance authorizes the Metropolitan development and housing agency (MDHA) to negotiate and accept payments in lieu of taxes (PILOTs) from operators of low income housing tax credit properties. PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs are a tool that has recently been utilized by Metro to provide incentives through the industrial development board to large employers to create more job opportunities, but MDHA was just recently granted the state law authority to enter into PILOTs for affordable rental housing. For some reason, other housing authorities in the state already had this authority, but Metro was expressly prohibited from it.

MDHA has developed this PILOT program to provide an additional financial incentive to developers considering construction or rehabilitation of affordable housing units through the federally funded low income housing tax credit program. Subsidized low income housing tax credit developments serve those at or below 60% of the average median income for the Nashville area, which results in an income cap of \$28,140 for an individual and \$40,140 for a family of four. Once negotiated by MDHA, each PILOT agreement must be approved by the council by resolution. The maximum term for a PILOT lease will be 10 years, and there would be an annual cap for all additional PILOTs of \$2 million per year. The PILOT would only be available for additional tax liability over and above the pre-development assessed value of the property. The PILOT program would be available for both existing and new developments based on financial need. The PILOT lease will be terminated if the property sits vacant for two years.

MDHA will be required by this ordinance to file an annual report with the council, assessor of property, and state board of equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

Once PILOT agreements under this program are approved by the council, it is not anticipated that they will result in a significant change to existing property tax revenues for Metro, as it is anticipated that the PILOTs will be used primarily for new construction.

ORDINANCE NO. BL2015-1282 (STEINE) – This ordinance adopts a revised pay scale for poll officials. State law provides that increases in poll worker compensation must be approved by the county legislative body. However, the last time the election commission submitted (continued on next page)

ORDINANCE NO. BL2015-1282, continued

legislation for approval in accordance with the state law was 1999. This ordinance ratifies the updated compensation schedule for poll workers approved by the election commission, which is as follows:

- \$200 for inspectors and officers, plus \$40 for picking up and returning poll supplies on election day
- \$150 for precinct registrars, assistant precinct registrars, judges, and voting machine operators
- \$25 for each training session, plus a \$5 mileage allowance

ORDINANCE NO. BL2015-1283 (MATTHEWS, PRIDEMORE & OTHERS) – This ordinance approves a revised agreement between the Metropolitan Government and Vision Real Estate Investment Corporation (“Vision”) for the sale of a portion of the Bordeaux Long Term Care hospital property located at 1010 Camilla Caldwell Lane. In March 2014, the council approved the sale of 76.6 acres of the Bordeaux property to Vision as part of the privatization and continued operation of the Bordeaux Long Term Care and J.B. Knowles Home facilities. Under the privatization agreements, Signature Healthcare is to operate a 120-bed nursing home at the Bordeaux campus for at least 10 years and have a new \$18 million 168-bed skilled nursing facility built on Dickerson Pike near Skyline Medical Center. After the new Dickerson Pike facility is constructed, Vision is to convert one half of the current Bordeaux facility into 62 senior living apartments and later construct a 32-unit townhouse development and community garden on the adjacent tract. However, the previous arrangement was conditioned upon necessary state legislation being approved allowing a division of the bed licenses between the Bordeaux and new Dickerson Pike facilities, which has not happened.

Since the Tennessee General Assembly did not approve the necessary state legislation, Vision Real Estate and Metro have agreed on a revised land sale contract that still provides for the development of senior affordable housing units on a smaller scale. This revised contract removes the land surrounding the Bordeaux Long Term Care facility, which would result in the sale of two undeveloped tracts totaling 45.5 acres. Tract 1 consists of 29 acres and Tract 2 is 16.5 acres. The two tracts are to be purchased for \$300,000 each. Vision is required to put down a non-refundable \$25,000 deposit to be applied toward the purchase price of the second tract. Metro’s obligation to sell Tract 1 is conditioned upon completion of the Knowles Home improvements required by the 2014 agreement with Vision and the purchase of the Knowles Facility by Autumn Assisted Living Partners, Inc. for continued operation as a licensed assisted living facility. Metro’s obligation to sell Tract 2 is conditioned upon Vision constructing at least 32 affordable senior housing units on Tract 1, which construction is to commence within one year of the purchase of Tract 1. Both tracts are to be purchased by Vision on an “as-is” basis.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1284 (PRIDEMORE, GILMORE & HUNT) – This ordinance approves an extension of a lease agreement between Metro and Customs House Associates for the Customs House property located at 701 Broadway. Metro obtained the Customs House property from the federal government in 1977 with the condition that it be used in perpetuity as (continued on next page)

ORDINANCE NO. BL2015-1284, continued

a historic marker. Metro entered into a fifty year lease agreement with Customs House Associates in 1979. The amount of annual rent that is paid under the lease agreement is the equivalent of the property taxes that would be due on the improved property if it was privately owned. The operators of the Customs House have some plans to substantially renovate and repurpose the building, which will require a large capital investment. In order to justify the large financial commitment, the operators are seeking an extension of the lease through 2105. This lease term would match the recently-extended term of the lease for the Union Station Hotel, which Metro acquired under basically the same circumstances as the Customs House in 1984.

In addition to extending the term, this lease amendment clarifies that the property may be used for any use permitted in the downtown code (DTC) zoning district. All other terms of the lease will remain the same.

This lease amendment has been approved by the planning commission.

ORDINANCE NO. BL2015-1285 (HUNT) – This ordinance names a former private alley adjacent to Buena Vista Pike as “Alley No. 1420”, and accepts the alley for ongoing maintenance by Metro. This alley is located behind 8 parcels within the Creekside subdivision. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1286 (WESTERHOLM) – This ordinance abandons a portion of Alley No. 259 from the intersection of South 5th Street to the property line of 409 Russell Street. All Metro utility easements are being retained. This closure has been requested by Southeast Venture, LLC. Consent of the affected property owners is on file with the department of public works. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1287 (BAKER) – This ordinance abandons portions of 58th Avenue North and California Avenue right-of-way. This closure has been requested by Snyder Engineering, PLLC. The ordinance retains all Metro utility easements. This closure is necessary for the construction of the West Mill Townhomes development. Consent of the affected property owners is attached to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1288 (MOORE, PRIDEMORE & OTHERS) – This ordinance grants a permanent landscape easement and temporary construction easement to GBT Realty for Metro park property located on Wedgewood Avenue. The 18 month temporary construction easement will be used for the storage of construction materials while work is underway on an adjacent Regions Bank building. GBT Realty will pay \$14,000 for the easement, which is the fair market value, and will construct and maintain landscaping on the property. If GBT ever fails to maintain the landscaping, Metro can terminate the easement with 30 days’ written notice. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1289 (PRIDEMORE, A. DAVIS & HUNT) – This ordinance accepts the donation of two parcels of property on High Rigger Drive to improve stormwater flow. The purpose of the donation from David B. Taylor is to help Metro water services reduce flooding at the terminus of High Rigger Drive, which would improve the flow of water in the area. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1290 (STITES, A. DAVIS & OTHERS) – This ordinance authorizes the director of public property administration to acquire permanent drainage easements, temporary construction easements, and rights-of-way by negotiation or condemnation in connection with a Murfreesboro Pike drainage improvement project, including the removal of the Vultee Boulevard bridge and the Kermit Drive intersection project. The ordinance also authorizes the conveyance of the easements and property rights to the Tennessee department of transportation (TDOT). The estimated cost for this ordinance is \$333,001, of which \$65,419 will be paid out of the public works capital spending plan for bridges and \$267,587 from Metro water services capital funds. TDOT will be responsible for procuring the construction contracts in the spring of 2016 and for managing the construction.

Resolution No. RS2015-1581 approves an amendment to the agreement with TDOT pertaining to this project.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1291 (PRIDEMORE & A. DAVIS) – This ordinance approves an agreement with CSX Transportation, Inc. for the painting and repairs of the Myatt Drive bridge over the CSX railroad tracks. Metro will be repairing and/or replacing damaged sections of expansion joint and will be repainting the steel portions of the bridge. This contract will allow Metro to perform the work on the bridge extending over the railroad tracks and will provide for the reimbursement of CSX's expenses. Metro agrees to reimburse CSX for its engineering, inspection, and flagging costs, estimated to be \$89,737. Future amendments to this agreement may be approved by resolution.

ORDINANCE NO. BL2015-1292 (GILMORE, PRIDEMORE & A. DAVIS) – This ordinance approves an agreement with CSX Transportation, Inc. for the construction of a new bridge extending Division Street over the CSX railroad tracks, and for the closure of the at-grade crossing at Fogg Street and 7th Avenue South. The work Metro contractors will be doing includes erosion control, construction of the new overhead bridge, and roadway drainage improvements. This contract will allow Metro to perform the work on the bridge extending over the railroad tracks and will provide for the reimbursement of CSX's expenses. Metro agrees to reimburse CSX for its engineering, inspection, flagging, and signal work costs, estimated to be \$406,025. Future amendments to this agreement may be approved by resolution.

ORDINANCE NO. BL201-1293 (GILMORE, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. BL2000-252 when an alley was abandoned for property located at 105 Broadway. There is no longer a government need for this easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1294 (GILMORE, PRIDEMORE & OTHERS) – This ordinance approves an agreement between the Metropolitan Government and 511 Union Nashville, LLC, for the use of up to 100 parking spaces in the library parking garage. This agreement would extend through 2027, but 511 Union Nashville can terminate the agreement at any time with 30 days' written notice. The rental rate is to be an amount equal to the monthly garage parking rate charged to the general public. Metro will issue 100 access key cards for the parking garage, which may be accessed between the hours of 6:00 a.m. and 6:00 p.m. The rights under this agreement may be transferred to any future purchaser of the 511 Union Street building without further approval from Metro in the event the building is sold. 511 Union Nashville agrees to hold the Metropolitan Government harmless for any damage or loss of personal property caused by its negligence, and must maintain \$1 million in insurance naming Metro as additional insured.

The council approved the lease of 180 spaces in this garage for the benefit of the Renaissance Hotel in March 2013.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1295 (GILMORE) – This ordinance authorize NGI Acquisitions, LLC, doing business as Skyhouse Nashville, to install and maintain underground encroachments in the right-of-way along Broadway and 17th Avenue South. These encroachments will consist of benches, bike racks, and pedestrian lights. Skyhouse Nashville has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and is required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1296 (GILMORE) – This ordinance abandons approximately 2,900 square feet of 7th Avenue South and Alley No. 114 right-of-way at the intersection of Lafayette Street and Korean Veterans Boulevard. This closure has been requested by Mainland Acquisitions, LLC for the purpose of consolidating lots for development. The ordinance also abandons all utility easements. Consent of the affected property owners is attached to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1303 (MOORE) – This ordinance abandons 2,959 square feet of Blakemore Avenue and Alley No. 922 right-of-way. This closure has been requested by Littlejohn Engineering on behalf of First American Bank for the purpose of consolidating lots for redevelopment. The alley is to be relocated as part of the redevelopment. This abandonment is not to become effective until the realigned right-of-way for the new alley has been completed and accepted for maintenance by Metro. Consent of the affected property owners is attached to the ordinance. The ordinance also abandons all utility easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2015-1053 (GILMORE) – This ordinance approves a lengthy amendment to the downtown code to update review processes, update maps, correct some typographical errors, and make changes to the urban design standards, specifically as it relates to building step-back provisions, parking and access, and height bonuses for the preservation of historic buildings outside of a historic overlay district.

This ordinance has been approved by the planning commission with an amendment. Ordinance No. BL2015-1152 is a companion to this ordinance.

SUBSTITUTE ORDINANCE NO. BL2015-1120 (ALLEN, WESTERHOLM & OTHERS) – This ordinance amends the zoning code to create a detached accessory dwelling unit (DADU) overlay district. In June 2014, the council approved a zoning text change to allow detached accessory dwellings on lots within the R districts with certain conditions. This ordinance would create a new DADU overlay district that could be used on properties that are not in an R zoning district. The design standards listed in the zoning code for other DADUs would apply within this overlay district, which include the following:

- No more than one DADU is permitted on a single lot in conjunction with the principal structure.
- The DADU must be owned by the same person as the principal structure and one of the two dwellings must be owner-occupied.
- A DADU may only be located behind the principal structure.
- Driveway access must be from an alley if available.
- The living space of a DADU cannot exceed seven hundred square feet, and the building footprint cannot exceed 1,000 square feet.
- The DADU must maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot.
- The DADU must be of similar style, design, and material color as used for the principal structure, and must use similar architectural characteristics.
- A DADU in a historic overlay district must comply with the adopted regulations and guidelines of the applicable historic overlay.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1121 (STEINE, HUNT & ALLEN) – This ordinance amends the zoning code to create a new use category for artisan manufacturing. In recent years, Nashville has seen an influx of local artisans making their products for direct sale to customers within their studio/manufacturing space. However, the current zoning code does not really contemplate this type of artisan manufacturing use, and it does not fit neatly within existing zoning categories. Further, artisans often work in shared space where multiple products are made under one roof. This ordinance would make artisan manufacturing a use permitted with conditions in the mixed use, commercial, downtown, and industrial zoning districts. The ordinance defines artisan manufacturing as the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sale and distribution of such products.

(continued on next page)

ORDINANCE NO. BL2015-1121, continued

Outdoor storage for artisan manufacturing would be required to be screened from street view or from view of a residence at ground level. Loading docks or service doors could not be oriented toward an abutting residential zoning district. The ordinance would allow up to two multifamily residential units as an accessory use to artisan manufacturing as long as there are no hazardous materials or uses located within an unsafe distance of the proposed residential use.

This ordinance also makes modifications to the existing definitions for rehearsal hall, theatre, commercial amusement (indoor), and cultural center, and designates them as a special exception use in the industrial zoning districts. In addition, the ordinance removes the requirement that a cultural center be owned by a nonprofit organization, and adds criteria applicable to the use in the IR and IG zoning districts.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1129 (BEDNE, JOHNSON & OTHERS) – This ordinance amends the Metro code to establish a codes offender school. This school, which would be similar to the traffic school, DUI school, and the animal offender school currently in existence, would be operated under the supervision of the codes department. This ordinance would give the environmental court the discretion to order a person found to be in violation of the property standards code to attend the codes offender school in addition to, or in lieu of, any monetary fine. The purpose of the school would be to provide education about the purpose of the property standards code and the impact of violations on the health, safety, and welfare of the community. Persons ordered to attend the school would be responsible for paying a fee up to \$90, which would be used to cover the expenses of the school. The ordinance would give the codes department the authority to select a nonprofit organization or organizations to operate the codes offender school subject to approval of the council by resolution.

The director of finance did not sign the ordinance as to availability of funds as a result of a lack of information regarding whether the costs of the program would be offset by the revenue generated from the class. However, a recent letter from assistant codes director Bill Penn states that the \$90 per attendee fee should be sufficient to cover the costs, especially if each class has 12 or more attendees.

ORDINANCE NO. BL2015-1137 (STITES) – This ordinance renames Woodland Point Drive as “Woodland Pointe Drive” from Bell Road to the cul-de-sac. This change has been requested by the Woodland Pointe homeowners association so that the street name will match the name of the subdivision.

This ordinance has been approved by the planning commission and the ECD board.

SUBSTITUTE ORDINANCE NO. BL2015-1139 (BEDNE, BANKS & OTHERS) – This substitute ordinance amends the Metro zoning code to require the planning department to prepare an amendment to the Metro zoning code to require affordable and workforce housing units as part of residential developments. The planning department would be required to submit the proposed zoning code text change to the council within 180 days. The ordinance gives the planning department some discretion in creating the new policy, but the ordinance states that the purpose of the bill shall be as follows:

- To increase the supply of affordable housing and workforce housing.
- To provide housing opportunities that meet the affordability needs of households needing affordable housing and workforce housing.
- To disperse housing opportunities throughout Davidson County for households needing affordable housing and workforce housing.
- To promote social and economic integration in safe and stable neighborhoods.
- To promote the creation and maintenance of suitable residential areas that are safe, attractive and stable.
- To protect property values.
- To implement the housing goals and policies contained in the general plan for Nashville and Davidson County.

In preparing the new policy, this ordinance provides that the planning commission may consider any means of providing affordable and/or workforce housing, including the following:

- Minimum project size that is required to provide affordable housing and/or workforce housing
- Qualifications for “grandfathered” projects
- Income eligibility and target population
- Period of time that the units should remain affordable and/or workforce housing, and/or the conditions under which affordable/workforce housing units may be sold or re-sold, and who is entitled to the increased equity
- Development and financial incentives
- An in-lieu fee option for building affordable or workforce housing
- An offsite option to build the affordable or workforce housing units, provided that the offsite option meets the intent to equitably distribute affordable and workforce housing

In preparing the rules and regulations for implementation of this ordinance, the planning department is to set a goal of requiring at least fourteen percent of the units in all residential development in Davidson County, including new construction and renovation, be reserved and used for affordable housing and/or workforce housing.

This substitute ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1140 (GLOVER & WEINER) – This ordinance amends the Metro zoning code to increase the distance requirements for the mailing of board of zoning appeals (BZA) public hearing notices from 300 feet to 600 feet. This is a follow-up to Ordinance No. BL2015-1100 approved in May that shifted the responsibility for the posting of BZA public hearing signs from the codes department to the applicant.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1148 (HOLLEMAN & MAYNARD) – This ordinance abandons a portion of Redmon Street right-of-way located within the Redmon Street Condominium property to accommodate the Nashville Ballet’s proposed development. Consent of the affected property owner is attached to the ordinance. All Metro easements are to be retained.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2015-1152 (GILMORE) – This ordinance is a companion to Ordinance No. BL2015-1053 providing revisions to the downtown code. This companion ordinance would remove the existing provisions in the zoning code regarding the transfer of development rights in the downtown area since the provisions are not consistent with the downtown code. A separate bill on first reading (BL2015-1255) would re-write the transfer of development rights provisions to apply in other parts of the city.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1213 (PRIDEMORE & A. DAVIS) – This ordinance, as amended, amends the Metropolitan Code pertaining to abandoned water/sewer connections, irrigation meter ownership, and tap fees. First, this ordinance would require property owners/developers to cap all unused water and sewer connections located within the right-of-way at the time the property is redeveloped. The purpose of this requirement is to ensure there is no infiltration from this old infrastructure into the public drinking water system. Second, the ordinance would make Metro water services the owner of irrigation water meters installed in the right-of-way to assure accurate flow measurement and billing. MWS already owns the domestic meters within the right-of-way used to measure the flow of water for human consumption. Finally, this ordinance eliminates the one year expiration on the exemption from the payment of tapping or connection fees for vacant lots previously connected to the sanitary sewer system for which service is reconnected.

ORDINANCE NO. BL2015-1214 (HARMON) – This is a routine ordinance readopting the Metro code to include ordinances enacted on or before March 4, 2015.

ORDINANCE NO. BL2015-1215 (BENNETT & A. DAVIS) – This ordinance abandons all utility easements for property located at 603 Tuckahoe Drive. In December 2014, the council authorized the acquisition of easements for properties located at 602, 603, and 605 Tuckahoe Drive and 114 Rhine Drive pursuant to Ordinance No. BL2014-929. It has been determined by Metro water services that the water/sewer utility easement is no longer needed for one of the properties.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1216 (PRIDEMORE, A. DAVIS & HUNT) – This ordinance authorizes Metro water services to negotiate and accept permanent and temporary easements for properties located at 925 and 1001 Berwick Trail for a stormwater improvement project. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1217 (PRIDEMORE, A. DAVIS & HUNT) – This ordinance authorizes Metro water services to negotiate and accept permanent and temporary easements for 10 properties located at 201, 210, 212, 214, 216, 218, 229, and 233 Duling Avenue, and at 106 and 306 Gallatin Pike for a stormwater improvement project. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the planning commission.